

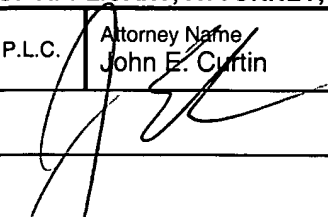
Please type a plus sign (+) inside this box → +

HDP/SB/21 based on PTO/SB/21 (08-00)

AF
2155
\$
JFW

| | | |
|---|------------------------|------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) JUL 29 2005 PATENT & TRADEMARK OFFICE | Application Number | 09/835,376 |
| | Filing Date | April 17, 2001 |
| | Inventor(s) | David A. JABLOW |
| | Group Art Unit | 2155 |
| | Examiner Name | Shawki S. Ismail |
| | Attorney Docket Number | 29250-000902/US |

| ENCLOSURES (check all that apply) | | |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Letter to the Official Draftsperson and _____ Sheets of Formal Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> LETTER SUBMITTING APPEAL BRIEF AND APPEAL BRIEF (w/clean version of pending claims) <input checked="" type="checkbox"/> Appeal Communication to Group (Notice of Appeal, <u>Brief</u> , Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|---|---------------------------------|--------------------|
| Firm or Individual name | Harness, Dickey & Pierce, P.L.C. | Attorney Name John E. Curtin | Reg. No. 37,602 |
| Signature |  | | |
| Date | July 29, 2005 | | |

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

FEE TRANSMITTAL for FY 2005

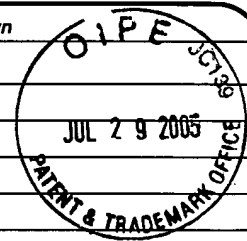
Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500

Complete if Known

Application Number 09/835,376
Filing Date April 17, 2001
First Named Inventor David A. JABLOW
Examiner Name Shawki S. Ismail
Art Unit 2155
Attorney Docket No. 29250-000902/US



METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit
Account
Number 08-0750

Deposit
Account
Name Harness, Dickey & Pierce, PLC

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1011 | 300 | 2011 | 150 | Utility filing fee | |
| 1012 | 200 | 2012 | 100 | Design filing fee | |
| 1013 | 200 | 2013 | 100 | Plant filing fee | |
| 1014 | 300 | 2014 | 150 | Reissue filing fee | |
| 1005 | 200 | 2005 | 100 | Provisional filing fee | |

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------|--------------|----------------|----------|
| Total Claims | -20 ** | = 0 | X | = 0 |
| Independent Claims | -3 ** | = 0 | X | = 0 |
| Multiple Dependent | | | | = 0 |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 50 | 2202 | 25 | Claims in excess of 20 |
| 1201 | 200 | 2201 | 100 | Independent claims in excess of 3 |
| 1203 | 360 | 2203 | 180 | Multiple dependent claim, if not paid |
| 1204 | 200 | 2204 | 100 | ** Reissue independent claims over original patent |
| 1205 | 50 | 2205 | 25 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month | |
| 1253 | 1020 | 2253 | 510 | Extension for reply within third month | |
| 1254 | 1,590 | 2254 | 795 | Extension for reply within fourth month | |
| 1255 | 2,160 | 2255 | 1080 | Extension for reply within fifth month | |
| 1401 | 500 | 2401 | 250 | Notice of Appeal | 500 |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal | |
| 1403 | 1000 | 2403 | 500 | Request for oral hearing | |
| 1452 | 500 | 2452 | 250 | Petition to revive - unavoidable | |
| 1453 | 1500 | 2453 | 750 | Petition to revive - unintentional | |
| 1501 | 1400 | 2501 | 700 | Utility issue fee (or reissue) | |
| 1502 | 800 | 2502 | 400 | Design issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$) 500

4. SEARCH/EXAMINATION FEES

| | | | | | |
|------|-----|------|-----|-------------------------|--|
| 1111 | 500 | 2111 | 250 | Utility Search Fee | |
| 1112 | 100 | 2112 | 50 | Design Search Fee | |
| 1113 | 300 | 2113 | 150 | Plant Search Fee | |
| 1114 | 500 | 2114 | 250 | Reissue Search Fee | |
| 1311 | 200 | 2311 | 100 | Utility Examination Fee | |
| 1312 | 130 | 2312 | 65 | Design Examination Fee | |
| 1313 | 160 | 2313 | 80 | Plant Examination Fee | |
| 1314 | 300 | 2314 | 300 | Reissue Examination Fee | |

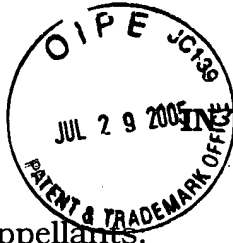
SUBTOTAL (4) (\$) 0

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) John E. Curtin Registration No. (Attorney/Agent) 37,602 Telephone (703) 668-8000
Signature Date July 29, 2005

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



IN THE U.S. PATENT AND TRADEMARK OFFICE

Appellants: David A. JABLOW
Application No.: 09/835,376
Art Unit: 2155
Filed: April 17, 2001
Examiner: Shawki Saif Ismail
For: METHODS AND SYSTEMS FOR PROVIDING
PERSONALIZED NOTIFICATION
Attorney Docket No.: 29250-000902/US

APPELLANT'S BRIEF ON APPEAL UNDER 37 C.F.R. §41.37

MAIL STOP APPEAL BRIEF - PATENTS

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

July 29, 2005

APPELLANT'S BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No.: 09/835,376
Atty. Docket: 29250-000902/US

TABLE OF CONTENTS

| | <u>Page</u> |
|--|-------------|
| APPELLANT'S BRIEF ON APPEAL UNDER 37 C.F.R. §41.37 | 1 |
| I. REAL PARTY IN INTEREST | 1 |
| II. RELATED APPEALS AND INTERFERENCES..... | 1 |
| III. STATUS OF CLAIMS | 1 |
| IV. STATUS OF AMENDMENTS | 1 |
| V. SUMMARY OF CLAIMED SUBJECT MATTER..... | 1 |
| VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL..... | 11 |
| VII. ARGUMENTS..... | 11 |
| A. The Section 103 Rejections..... | 11 |
| (i) Claims 3, 22 and 37..... | 11 |
| (ii) Claims 4, 5, 23, 24 and 36-39..... | 12 |
| (iii) Claims 6-11, 25-30 and 40-45 | 13 |
| IX. CONCLUSION..... | 14 |
| APPENDIX A - Claims Appendix | |
| APPENDIX B - Figure 1 | |
| APPENDIX C - Figures 2 and 3 | |
| APPENDIX D - Figure 4 | |
| APPENDIX E - Figure 5 | |



APPELLANT'S BRIEF ON APPEAL UNDER 37 C.F.R. §41.37

I. REAL PARTY IN INTEREST:

The real party in interest in this appeal is Lucent Technologies Inc. Assignment of the application was submitted to the U.S. Patent and Trademark Office on April 17, 2001, and recorded on the same date at Reel 011748, Frame 0214.

II. RELATED APPEALS AND INTERFERENCES:

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS:

Claims 1-5, 8-24, 27-39 and 42-52 are pending in the application, with claims 1, 20 and 35 being written in independent form.

Claims 1-5, 8-24, 27-39 and 42-52 remain finally rejected under 35 U.S.C. §103(a). Claims 1-5, 8-24, 27-39 and 42-52 are being appealed.

IV. STATUS OF AMENDMENTS:

A Request for Reconsideration ("Request") was filed on June 14, 2005. In an Advisory Action dated July 1, 2005, the Examiner stated that the Request was considered and Appellant's amendments entered; however, the Request did not place the application in condition for allowance.

V. SUMMARY OF CLAIMED SUBJECT MATTER:

Millions of people now use some type of on-line network, such as the Internet, every day. Of these people, most, if not all, also have the need to be reminded or notified of some event. Typically, this event will occur periodically (e.g., daily, monthly, or even hourly). For example, millions of people play

government/state-sponsored lotteries on a weekly or daily basis. Some people play the identical number day after day. To date, the most common method of notifying an individual that he or she has won a lottery requires the individual to take some action to determine the results of the lottery (e.g., by buying a newspaper, watching a television, calling a toll-free number or returning to the place where she bought a lottery ticket). None of these methods are tailored to provide results to an individual. Rather, they are designed to provide the same information to a large number of people. In sum, they do not provide a "personalized" way of notifying an individual.

Lotteries are just one example of a periodic activity or event that people may engage in which requires some kind of subsequent notification.

Accordingly, it is a desire of the present invention to provide methods and systems for providing personalized notification to individuals (specification, page 1).

In accordance with the present *invention* there are provided methods and systems for providing personalized *notification* concerning an "event".

One such event is a lottery. Others are: a sports or entertainment event, an educational event or an exam, for example.

In each case, a network controller is adapted to receive personal *information* from a user and administrative *information* from an administrator responsible for the event.

The personal *information* comprises many elements, one element being the one or more methods of *notification* preferred by a user.

At an appropriate point in time the controller is adapted to compare the administrative *information* (e.g., winning lottery number) to the personal information (e.g., lottery numbers selected by the user) or vice-versa. If a match occurs, the controller is adapted to send a personalized *notification* to the user according to one of the preferred methods of *notification* (e.g., by email) (specification, page 2).

The present *invention* and its advantages can be best understood by referring to the drawings, detailed description of the *invention* and claims that follow.

Referring to FIG. 1 (Appendix B), there is shown a system I for providing personalized notifications to individuals. In an illustrative embodiment of the present invention, the system I comprises a user network access unit 100, administrative network access unit 200, a network control unit or controller 300, a user database 400 and an administrative database 500. Though shown as three units, it should be understood that the network controller 300, user database 400 and administrative database 500 may be combined into fewer than three units or further broken down into additional units. Similarly, though typically the user network access unit 100 and administrative network access unit 200 will be separate units, there may be rare cases when the two may be combined into a single unit. For sure, there are times when either the user network access unit 100 or administrative network access unit 200 may be broken down into more than one unit. It should be further understood that system 1 shown in FIG. 1 is highly simplified and may in fact comprise any number of components such as network servers, modems, personal computers, microprocessors, datalinks, electronic memory, and application software, to give just a few examples (specification, pages 3 and 4).

When the network formed by the units 100-500 comprises the World Wide Web, the controller 300 may comprise an Internet server.

In one embodiment of the present invention, the controller 300 comprises a server adapted to receive and send signals to and from the user network access unit 100 and administrative network access unit 200 via pathways 101 and 201. In an illustrative embodiment of the present invention, the system 1 may be adapted to provide personalized notifications to individuals about the results of government/state sponsored lotteries.

Typically, the user network access unit 100 comprises a personal computer owned by an individual wishing to participate in a lottery or owned by a retail establishment responsible for distributing and selling lottery tickets. The administrative network access unit 200 may comprise a computer system, private network or personal computer which is adapted to provide the system 1 with event-related, administrative information (hereafter referred to as "administrative information"), such as the winning lottery number for a specific lottery.

When the system 1 is used to notify users about the results of a lottery, the user database 400 comprises a database of information concerning at least the identification of the users participating in a given lottery, each user's preferred method of notification (e.g., by telephone, day or night; by fax; or by email); and the lottery numbers selected by each user. The administrative database 500 comprises a database adapted to store event related information, for example, the winning lottery number for each specific lottery (specification, page 4).

It should be understood that lotteries are only one event in which system 1 may be used to provide personalized notifications to participating users. In general, the user network access unit 100 may be adapted to provide personal information input by an individual concerning any number of events while the administrative network access unit 200 may be adapted to provide information which may be incorporated into a notification sent to a user concerning any number of events as well. Similarly, databases 400, 500 may be adapted to store information concerning any number of events.

A more detailed example of the operation of system 1 is as follows.

In one embodiment of the present invention, user network access unit 100 is adapted to receive instructions from a user (not shown). More specifically, the unit 100 is adapted to receive instructions directing it to

initiate a link with controller 300. For example, the user may input the address of a website sponsored by a state lottery commission, such as "www.didiwin.com". Thereafter, the unit 100 is adapted to create a link with controller 300. In response, controller 300 is adapted to send content and formatting information associated with the lottery's website to the user network access unit 100. Upon receiving the content and formatting information, the unit 100 is adapted to display the website to the user. Depending on the sophistication of the website, it may take one or more additional steps for the user to maneuver from page to page within the website to find an input screen. Once such an input screen is found, the user begins to input personal information related to an event, in this case a lottery, she wishes to participate in (specification, pages 4-5).

Referring now to FIG. 2 (Appendix C), there is shown an example of an event input display 10 used by a user to input personal, event-related information. Once display 10 is shown to the user, the user may proceed in any number of different sequences to input the necessary information. In one embodiment of the present invention, the sequence followed by a user is shown in the flow diagram depicted in FIG. 4 (Appendix D).

The user first enters the state or government entity which is sponsoring the lottery via a graphical user interface (e.g., a mouse, keyboard and associated software) (not shown) at position 10a. Display 10 may be adapted to allow a user to select a state or the like from a drop down list of states accessed via position 10a. Next, the user selects the type of lottery or otherwise identifies the lottery she wishes to participate in, or monitor the results of, (collectively referred to as "participate in") at location 10b. Next to position 10b are positions 10c. In an illustrative embodiment of the present invention, the user inputs a number in each of the positions 10c. This number represents a lottery number. It should be understood that even though FIG. 2 shows position 10c comprising seven digits, the invention is

not so limited. Any number of digits may be used which corresponds to a given lottery or event. Also, as with location 10a, locations 10b and 10c may also comprise drop down lists (specification, pages 5-6).

In more general terms, positions 10a and 10b function to help identify the specific event while positions 10c allow a user to input "user specific" information relating to a specific event.

In FIG. 2, locations 10d through 10g are adapted to receive one or more preferred notification methods. For example, the user may decide that she prefers to be contacted via her daytime phone 10d, nighttime phone 10e, facsimile number 10f (i.e., telephone and/or facsimile number may be a conventional number, wireless number, or a wireless Internet number), or email address 10g to name just a few. As will be explained in more detail later, this (or these) preferred method(s) of notification will be used to provide a personalized notification to the user if the lottery number she has entered at location 10c matches the winning lottery number (or vice-versa) and/or to notify the user of the winning lottery number even if she has not won.

Alternatively, the user may indicate which method of notification which should be used first to notify her by entering or otherwise indicating a ranking at locations 11a-d (e.g., "1" equals first preferred method, "2" equals second preferred method, etc ...). In yet another embodiment, the user may indicate which method may be used by placing a "check" in a location 11a-11d (not shown (specification, page 6)).

Collectively, all of the information entered by the user can be referred to as personal information.

In one embodiment of the present invention, each time the user inputs information at a specific location 10a through 10g and activates an "enter/send" location 10h or the like, the user network access unit 100 is adapted to send this information to the controller 300.

Upon receiving the information from the user, the controller 300 is adapted to send this information to database 400 which is adapted to store the information.

It should be understood that the display 10 shown in FIG. 2 is only one of many different input displays which may be used to input personal information.

If the user wishes to participate in additional lotteries or events she need only repeat the sequence described above. This continues until the user has input information related to each event of interest to her. After the user is done entering such information she may exit the system 1.

It should be noted that the present invention does not rely upon any specific type of link between the access unit 100 and the controller 300. Many types of links or configurations may be used including: twisted pair (copper) wire, DSL, cable modems, wireless transceivers and the associated cable/telephone/wireless/ISP company equipment needed to complete the link between unit 100 and controller 300.

At some point the event of interest occurs, in this case, a lottery. As envisioned by the present invention, the results of this event or information related to the event is transmitted to the controller 300 by an "administrator" (specification, page 7).

In one embodiment of the present invention, the administrative network access unit 200 is adapted to receive instructions from the administrator. These instructions may include a request to create a link with the controller 300. For example, the administrator may enter a special, administrative website address (e.g., www.didiwin.com/admin). Upon receiving a request to create a link with the unit 200, the controller 300 is adapted to send the unit 200 content and formatting information associated with the administrative website. For example, the controller 300 may be adapted to the send content

and formatting associated with an administrative input screen 20 shown in FIG. 3 (Appendix C).

Before proceeding further, it should be understood that the controller 300 or databases 400, 500 may or may not be adapted to store some of the websites accessed by the user and administrator.

As was the case with the information input by the user, there are many different sequences which can be used by the administrator to enter information into display 20. One such sequence is shown in the flow diagram of FIG. 5 (Appendix E).

Referring back to FIG. 3, the administrator may first enter the identity of the state or government responsible for sponsoring a specific lottery or event using a drop down list or the like at location 20a. Next, the administrator may enter the identity of the specific lottery or event at location 20b and the winning lottery number at locations 20c followed by entering the date of the specific lottery or event at locations 20d.

Similar to before, the administrative network access unit 200 can be adapted to send the information input into locations 20a-d to the controller 300 by activating location 20e. Collectively, once again, all of the information input by the administrator can be referred to as administrative information (specification, page 8).

It may be that the administrator has the responsibility for more than one lottery or event. In such a case, the administrator repeats the steps mentioned above for each specific lottery or event.

Upon receiving the administrative information from the unit 200, the controller 300 is adapted to send this information to database 500 which is adapted to store it.

What remains is to determine whether there is a relationship between the personal information stored in database 400 and the administrative information stored in database 500. Said another way, staying with the

lottery example above, the system 1 must determine whether the winning number entered by the administrator matches the lottery number entered by a user.

In an illustrative embodiment of the present invention, the controller 300 is adapted to select the information supplied by the administrator stored in database 500 and to compare it to the information associated with a given user from database 400. If the controller 300 determines that a match has occurred, or another relevant relationship exists, then the controller 300 may be adapted to generate a personalized message indicating that a match has occurred or a relationship exists. For example, the controller 300 is adapted to generate a message that a user has won the lottery if the winning number matches the user's lottery number (specification, page 9).

In yet a further embodiment of the present invention, the controller 300 is adapted to transmit or otherwise send this personalized message to the user network access unit 100 to personally notify the user via one or more of the preferred methods input by the user at locations 10d through 10g (see FIG. 2).

In the event the user has elected to participate in more than one event the controller 300 is adapted to repeat the steps just mentioned, each time forwarding a personalized message to the user according to her preferred methods on detecting the existence of a match or another relationship.

Alternatively, the controller 300 can be adapted to send personalized messages to the access unit 100 informing the user that no match and/or no relationship exists in accordance with a list of preferred notification methods.

Upon completing this process for one user, the controller 300 is adapted to repeat this process using personal information associated with the next user stored in database 400 until the administrative information is compared to each user's personal information.

Though the discussion just ended involves a comparison of the administrative information (e.g.; winning lottery number) to each user's personal information (e.g. user's lottery number) it should be understood that the present invention also envisions the reverse-comparing each user's information to the administrative information. In fact, the word "comparison" or its conjugates (e.g., compare, etc.) is meant to encompass either or both methods (specification, page 10).

It should be understood that the units 100-500 may comprise one or more programmed mediums (e.g. memory, magnetic storage device, CD, floppy disk, processor, digital storage device) which comprise one or more software or firmware-like programs adapted to carry out the features and functions of the present invention. When carried out by a program, the programs may initially reside on one unit 100-500 and then be sent (e.g., downloaded) to another unit 100-500.

Again, though the invention above is focused on a system to administer a lottery, the invention is not so limited. The systems and methods described above may also be used to provide personal notifications which confirm/deny a user's registration for a particular event, such as a sports/entertainment event, a professional/educational course/school or other event which otherwise supplies a user with results (e.g., exam results).

Appellants respectfully note that the above summary of the invention, including any indication of reference numerals, drawings, figures, paragraphs, page numbers, etc. (collectively referred to as "descriptions" of the application) have been provided solely to comply with the U.S. Patent and Trademark Office's rules concerning the appeal of the claims of the present application. As such, the descriptions above are merely exemplary and should not be construed to limit the claims of the present application in any way whatsoever.

VI. GROUND'S OF REJECTION TO BE REVIEWED ON APPEAL:

Appellants seek the Board's review of the rejection of claims 1-5, 8-24, 27-39 and 42-52 under 35 U.S.C. §103(a).

VII. ARGUMENTS:

B. The Section 103 Rejections

(i) Claims 3, 22 and 37

Claims 3, 22 and 37 were rejected under 35 U.S.C. §103(a) based on a combination of Aronin and U.S. Patent No. 6,591,245 to Klug ("Klug"). Appellant disagrees and traverses these rejections for at least the following reason.

Each of the claims of the present invention includes sending a personalized notification, using a user's preferred method of notification, to a user concerning the user's participation in an event.

In contrast, neither Aronin nor Klug, separately or in combination, suggests such personalized and preferred notifications. Instead, as indicated above, Aronin is completely silent as to the use of preferred notification methods. As for Klug, its notification methods are unrelated to an event a user is participating in (as previously stated in Appellant's response filed on October 29, 2004).

Appellant notes the rationales set forth in the Examiner's "Response to Arguments" section of the Advisory Action, in which the Examiner states that "Klug teaches wherein the user is able to specify notification criteria for an

event a user is interested in". However, the present claims are not directed to an event a user is interested in. Instead, the present claims are directed to events a user is "participating in".

Accordingly, Appellant respectfully submits that claims 3, 22 and 37 would not have been obvious to one of ordinary skill in the art at the time the present application was filed based on the disclosures of Aronin and Klug at least because such a combination does not suggest a personalized and preferred notification method concerning an event a user is participating in.

Accordingly, Appellants respectfully request that the members of the Board reverse the decision of the Examiner and allow claims 3, 22, and 37.

(ii) Claims 4, 5, 23, 24 and 36-39

Claims 4, 5, 23, 24 and 36-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aronin in view of U.S. Patent No. 6,473,707 to Grey ("Grey").

Appellant respectfully disagrees and traverses these rejections for at least the following reasons.

Initially, Appellant notes that Grey does not overcome the deficiencies in Aronin cited above. For this reason, Appellant respectfully submits that the combination of Aronin and Grey do not render obvious claims 4, 5, 23, 24 and 36-39.

In addition, Appellant respectfully submits that there is no motivation whatsoever to combine Aronin with Grey, and, therefore, such a combination would not render obvious the claims of the present invention in any event.

Aronin is directed at a remote lottery system while Grey is directed at methods for writing programs to test instruments. There is no indication or suggestion within Aronin that it can be used to test instruments nor is there any indication or suggestion in Grey that it can be used in a remote lottery system.

Appellant respectfully submits that the subject matter of claims 4, 5, 23, 24 and 36-39 would not have been obvious to one of ordinary skill in the art at the time the present application was filed upon reading the disclosures of Aronin and Grey.

Accordingly, Appellants respectfully request that the members of the Board reverse the decision of the Examiner and allow claims 4, 5, 23, 24 and 36-39.

(iii) Claims 6-11, 25-30 and 40-45

Claims 6-11, 25-30 and 40-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aronin in view of Klug.

As stated before, each of the claims of the present invention depends on an independent claim which includes the feature of sending a personalized notification, using a user's preferred method of notification, to a user concerning the user's participation in an event.

In contrast, as stated above, neither Aronin nor Klug, separately or in combination, suggests such personalized and preferred notifications.

Accordingly, Appellants respectfully request that the members of the Board reverse the decision of the Examiner and allow claims 6,-11, 25-30 and 40-45.

VIII. CONCLUSION:

Appellants respectfully request the Board to reverse the Examiner's rejection of claims 1-5, 8-24, 27-39 and 42-52.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By: 

John E. Curtin, Reg. No. 37.602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JEC:psy

APPENDIX A
CLAIMS APPENDIX

Claims 1-5, 8-24, 27-39 and 42-52 on Appeal:

1. (Previously Presented) A system for providing personalized notification comprising:

a controller adapted to compare personal information and administrative information related to an event a user is participating in and further adapted to send a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.

2. (Original) The system as in claim 1 wherein the event is a lottery.

3. (Original) The system as in claim 1 wherein the event is a sports or entertainment event.

4. (Original) The system as in claim 1 wherein the event is an educational event.

5. (Original) The system as in claim 1 wherein the event is an exam.

6. (Cancelled)

7. (Cancelled)

8. (Previously Presented) The system as in claim 1 wherein the controller is further adapted to send the notification via email.

9. (Previously Presented) The system as in claim 1 wherein the controller is further adapted to send the notification via a daytime telephone number.

10. (Previously Presented) The system as in claim 1 wherein the controller is further adapted to send the notification via a nighttime telephone number.

11. (Previously Presented) The system as in claim 1 wherein the controller is further adapted to send the notification via facsimile.

12. (Original) The system as in claim 1 wherein the controller comprises a server.

13. (Original) The system as in claim 1 wherein the controller comprises an Internet server.

14. (Original) The system as in claim 1 further comprising a user database adapted to store the personal information.

15. (Original) The system as in claim 1 further comprising an administrative database adapted to store the administrative information.

16. (Original) The system as in claim 1 further comprising a user network access unit adapted to send the personal information to the controller.

17. (Original) The system as in claim 1 further comprising an administrative network access unit adapted to send the administrative information to the controller.

18. (Original) The system as in claim 1 wherein the personal information comprises a lottery number.

19. (Original) The system as in claim 1 wherein the administrative information comprises a winning lottery number.

20. (Currently Amended) A method for providing personalized notification comprising:

comparing personal information and administrative information related to an event a user is participating in; and

sending a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.

21. (Original) The method as in claim 20 wherein the event is a lottery.

22. (Original) The method as in claim 20 wherein the event is a sports or entertainment event.

23. (Original) The method as in claim 20 wherein the event is an educational event.

24. (Original) The method as in claim 20 wherein the event is an exam.

25. (Cancelled)

26. (Cancelled)

27. (Currently Amended) The method as in ~~claim 26~~ claim 20 further comprising sending the notification via email.

28. (Currently Amended) The method as in ~~claim 26~~ claim 20 further comprising sending the notification via a daytime telephone number.

29. (Currently Amended) The method as in ~~claim 26~~ claim 20 further comprising sending the notification via a nighttime telephone number.

30. (Currently Amended) The method as in ~~claim 26~~ claim 20 further comprising sending the notification via facsimile.

31. (Original) The method as in claim 20 further comprising storing the personal information.

32. (Original) The method as in claim 20 further comprising storing the administrative information.

33. (Original) The method as in claim 20 wherein the personal information comprises a lottery number.

34. (Original) The method as in claim 20 wherein the administrative information comprises a winning lottery number.

35. (Currently Amended) A programmed medium adapted to compare personal information and administrative information related to an event a user is participating in and further adapted to send a personalized notification, using a user's preferred method of notification, to the user concerning the user's participation in the event.

36. (Original) The programmed medium as in claim 35 wherein the event is a lottery.

37. (Original) The programmed medium as in claim 35 wherein the event is a sports or entertainment event.

38. (Original) The programmed medium as in claim 35 wherein the event is an educational event.

39. (Original) The programmed medium as in claim 35 wherein the event is an exam.

40. (Cancelled)

41. (Cancelled)

42. (Currently Amended) The programmed medium as in ~~claim 41~~
claim 35 further adapted to send the notification via email.

43. (Currently Amended) The programmed medium as in ~~claim 41~~
claim 35 further adapted to send the notification via a daytime telephone
number.

44. (Currently Amended) The programmed medium as in ~~claim 41~~
claim 35 further adapted to send the notification via a nighttime telephone
number.

45. (Currently Amended) The programmed medium as in ~~claim 41~~
claim 35 further adapted to send the notification via facsimile.

46. (Original) The programmed medium as in claim 35 further
adapted to store the personal information.

47. (Original) The programmed medium as in claim 35 further
adapted to store the administrative information.

48. (Original) The programmed medium as in claim 35 wherein the
personal information comprises a lottery number.

49. (Original) The programmed medium as in claim 35 wherein the
administrative information comprises a winning lottery number.

50. (Original) The programmed medium as in claim 35 wherein the medium comprises a CD.

51. (Original) The programmed medium as in claim 35 wherein the medium comprises a magnetic storage device.

52. (Original) The programmed medium as in claim 35 wherein the medium comprises a digital storage device.



FIG. 1

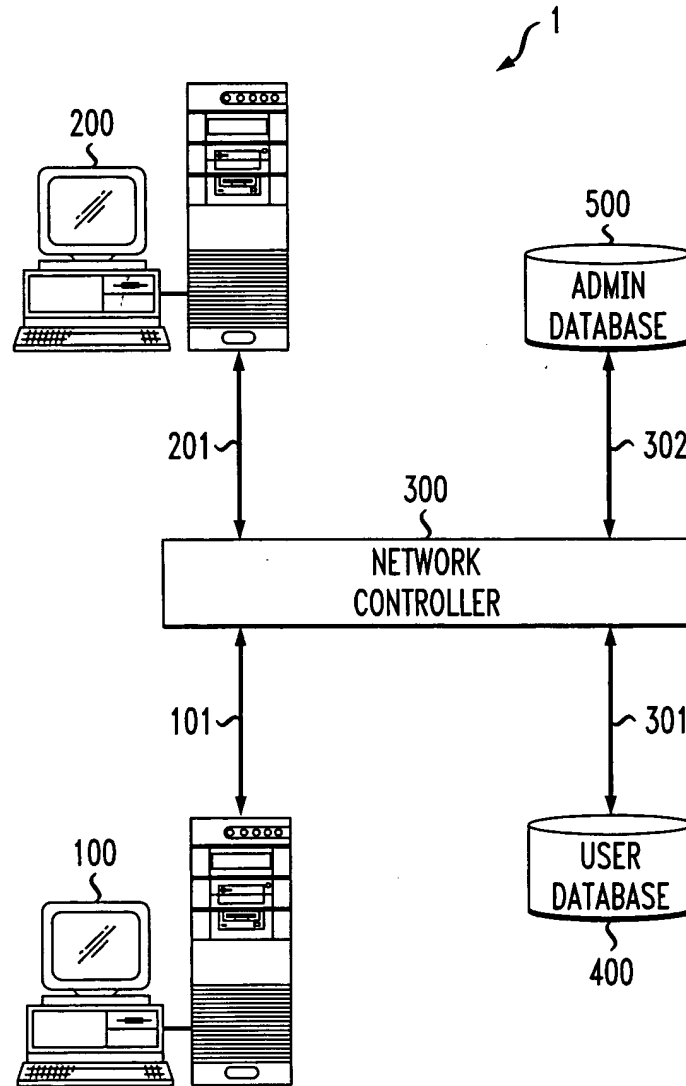


FIG. 2

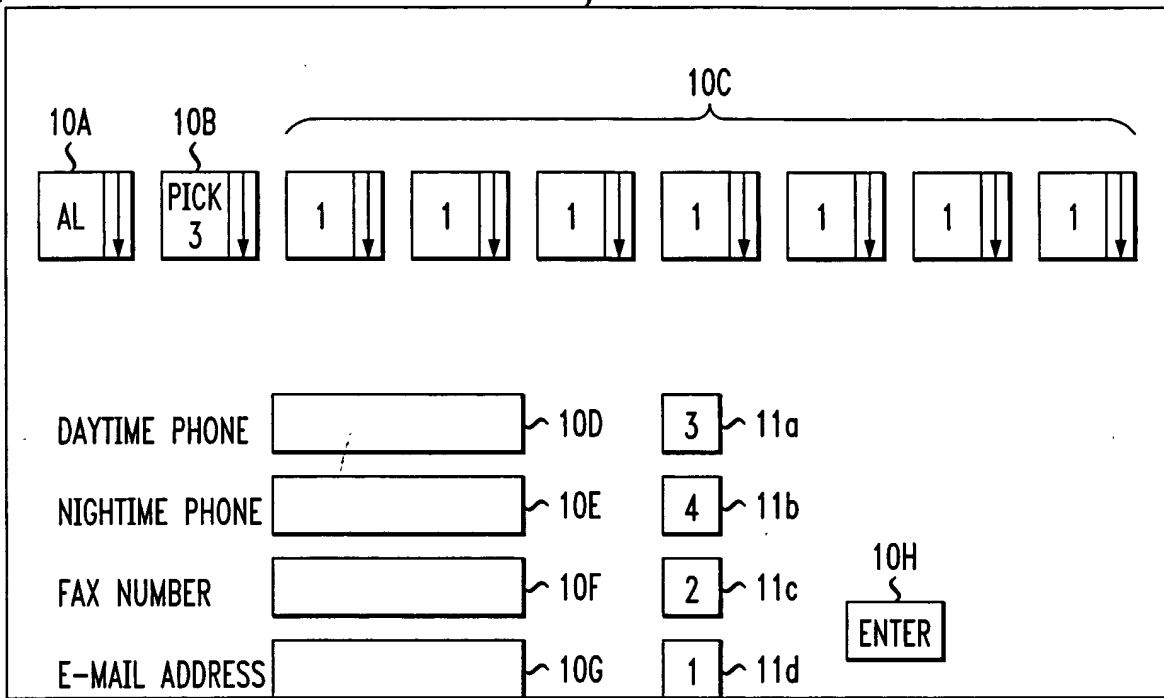
10
S

FIG. 3

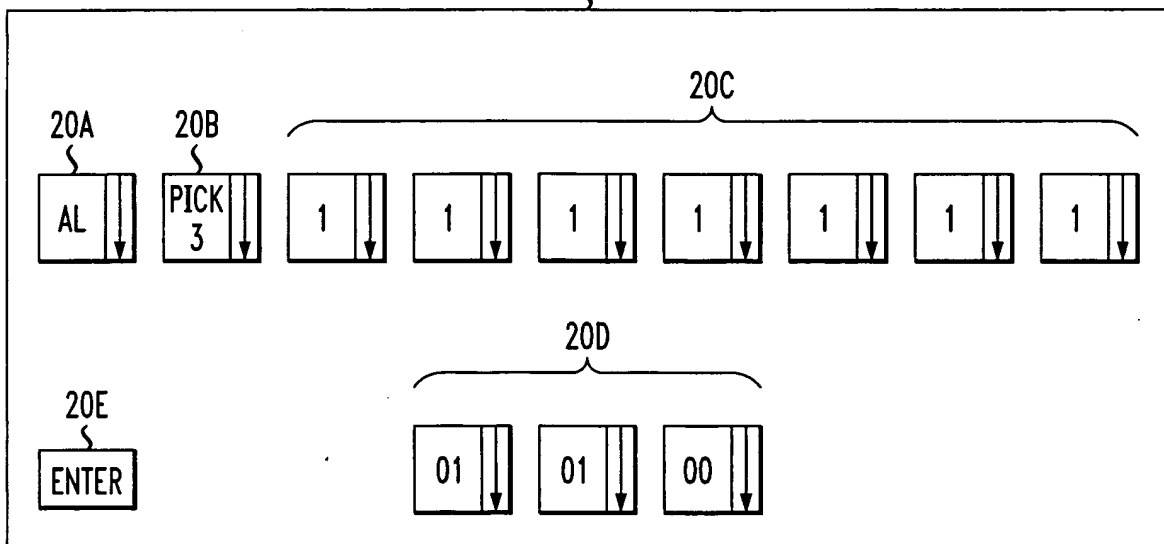
20
S

FIG. 4

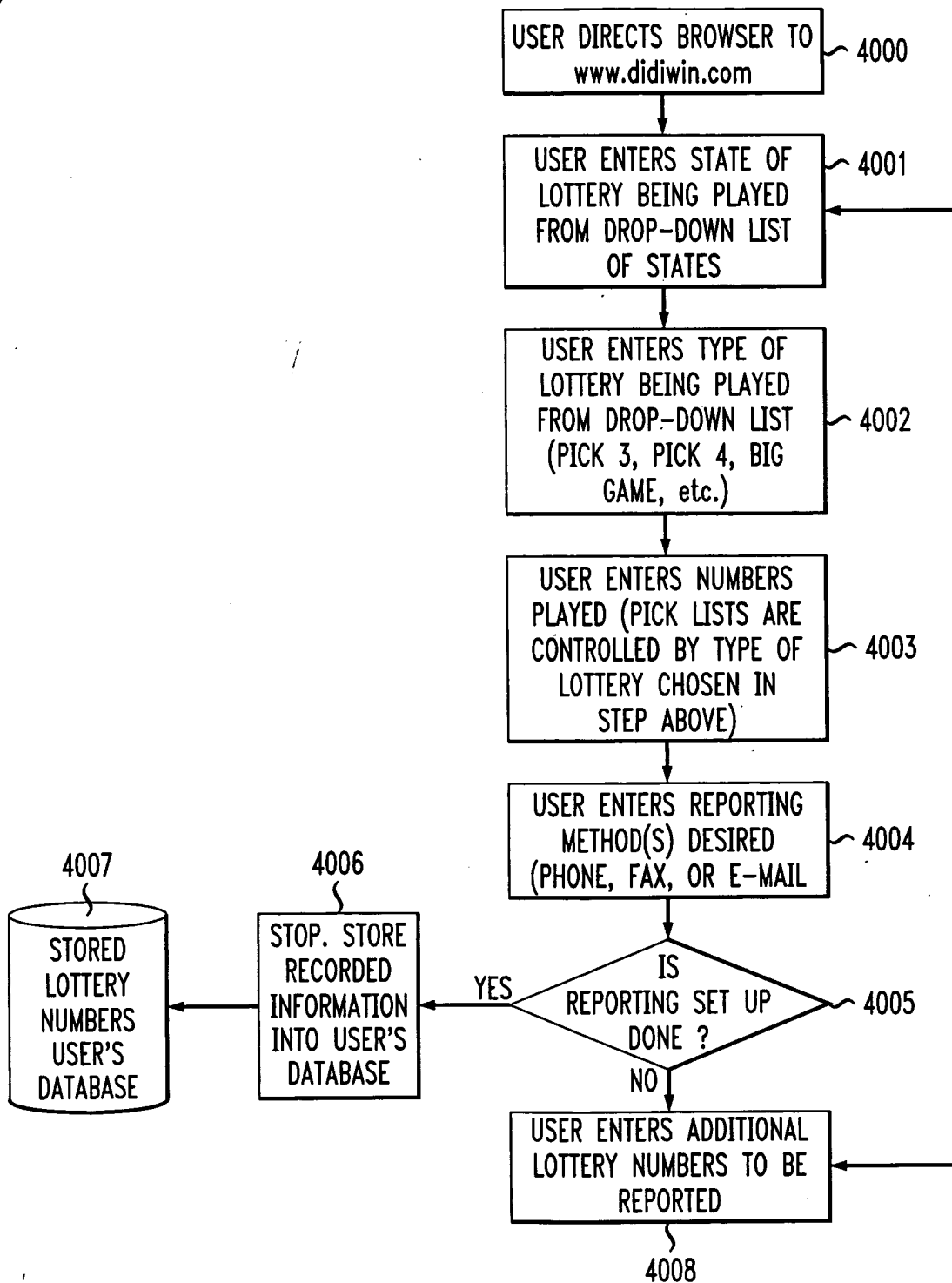


FIG. 5

